

Amend Pari 201.01(b), effective 6-3-06 (Doc. #8648-A), to read as follows:

(b) “~~ARCI/NAPRA Joint~~ ***Model Rules of Racing***” means Version ~~3.3~~ ***4.2*** of the set of standards and guidelines relating to horse and dog racing prepared and approved by ARCI and NAPRA on ~~December 9, 2005~~ ***March 26, 2008***.

Amend Pari 201.01, effective 6-3-06 (Doc. #8648-A), by deleting Pari 201.01(c) as follows:

~~(c) “North American Pari Mutuel Regulators Association (NAPRA)” means an organization with the purpose of providing a cost effective focal point for communications, and dispersing information relating to the pari mutuel industry and with a mission including the promotion of the integrity of the pari mutuel industry through the formulation and communication of regulatory guidelines.~~

Amend Pari 202.01, effective 6-3-06 (Doc. #8648-A), to read as follows:

Pari 202.01 Adoption by Reference. Except as otherwise provided herein, the rules of the commission relating to adjudicative proceedings in New Hampshire shall be as set forth in the ~~ARCI/NAPRA Joint~~ ***Model Rules of Racing*** on due process, Chapter 3, subject to amendments set forth in Pari 202.02.

Readopt with amendment Pari 202.02, effective 6-3-06 (Doc. #8648-A), to read as follows:

Pari 202.02 Amendments to ~~ARCI/NAPRA Joint Rules~~. The following amendments shall apply to the item incorporated in Pari 202.01:

- (a) Amend ~~PMRMR~~***ARCI***-003-010 B. (1) by inserting the number “10 days” in the blank space;
- (b) Amend ~~PMRMR~~***ARCI***-003-010 C. (2) by inserting:
 - (1) The phrase “10th” in the first blank space; and
 - (2) The number “10” in the second blank space;
- (c) Amend ~~PMRMR~~***ARCI***-003-010 D. (1) by:
 - (1) Inserting the number “2 days” in the first blank; and
 - (2) Deleting the second sentence;
- (d) ***Amend ARCI-003-010 F. (3) by deleting the phrase “the Act” and inserting the phrase “RSA 284”;***
- (e) ***Amend ARCI-003-010 G. by deleting the phrase:***
 - 1. In paragraph (2)(b), “the Act” and inserting the phrase “RSA 284”; and***
 - 2. In paragraph (4), “NAPRA or”;***
- (~~f~~) Amend ~~PMRMR~~***ARCI***-003-010 G. (6) by inserting the number “2 days” in the blank space;
- (~~g~~) Amend ~~PMRMR~~***ARCI***-003-010 I. (2) by inserting the phrase “10 days after the stewards’/judges’ ruling”;
- (~~h~~) Amend ~~PMRMR~~***ARCI***-003-010 J. by deleting subparagraph (4) and replacing it with the following:

(4) The Commission may grant a stay for cause. The Commission shall notify the person in writing of the decision. The Commission may rescind a stay granted under this subsection for reasonable cause.

(gi) Amend ~~PMRMR~~**ARCI-003-015 B. (1)** by inserting the number “3” in the blank space;

(hj) ***Amend*** ~~Delete~~ **PMRMR****ARCI-003-015 C. by:**

1. Deleting the phrase “the Act” and inserting the phrase “RSA 284” in paragraph (1);

2. Deleting the phrase “this jurisdiction’s civil procedures statute” and inserting the phrase “RSA 516:16” in paragraph (3); and

3. Deleting paragraph (5);

(k) ***Amend*** **ARCI-003-015 D. (5)** ***by inserting the phrase “3 days” in the blank space;***

(il) Amend ~~PMRMR~~**ARCI-003-015 D. (6)** by inserting:

(1) The phrase “5th” in the first blank space; and

(2) The number “3” in the second blank space;

(jm) Amend ~~PMRMR~~**ARCI-003-015 G. (3)** by inserting:

(1) The number “5 days” in the first blank space; and

(2) The phrase “5th” in the second blank space;

(kn) Amend ~~PMRMR~~**ARCI-003-015 I.** by adding subparagraph (4) reading as follows:

(4) Upon the presiding officer’s own initiative or upon the motion of any party, the presiding officer shall withdraw from any adjudicative proceeding for good cause if the presiding officer:

(a) Has a direct interest in the outcome of the matter, including but not limited to, a financial or family relationship with any party;

(b) Has made statements or engaged in behavior which objectively demonstrates that he or she has prejudged the facts of the case; or

(c) Personally believes that he or she cannot fairly judge the facts of the case.

(o) ***Amend*** **ARCI-003-015 L. (3)** ***by:***

1. Deleting the phrase “this jurisdiction” and inserting the phrase “New Hampshire” in the first sentence; and

2. Deleting the phrase “this jurisdiction” and inserting the phrase “New Hampshire” in the second sentence;

(lp) Amend ~~PMRMR~~**ARCI-003-015 N. (4)** by inserting the number “5” in the first and second blank spaces;

(~~m~~q) Amend ~~PMR~~**ARCI-003-015** P. (1) by inserting the phrase “10 days” in the blank space;

(r) ***Amend ARCI-003-015 P. (5) by deleting the phrase “NAPRA or”;***

(~~n~~s) Amend ~~PMR~~**ARCI-003-015** Q. by:

(1) Deleting the phrase “The Administrative Procedure Act, __ Civil Statutes, Art. __, Sec. __, pertaining to rehearing after Commission action, is hereby incorporated by reference.”; and

(2) Inserting the following subparagraphs (1) through (5):

(1) A rehearing shall be before a quorum of the commission.

(2) Within 30 days of the commission’s decision or order pursuant to ~~PMR~~**ARCI-003-015** P., any party or person directly affected may request a rehearing of any matter determined in the proceeding or covered by the decision of order by submitting a written motion to the commission specifying:

(a) The issues to be considered at the rehearing; and

(b) Every ground on which it is claimed that the decision or order is unlawful or unreasonable.

(3) An objection to a motion for rehearing shall be submitted within 5 days of the submission of the motion.

(4) Within 10 days of the submission of the motion for rehearing, the commission shall:

(a) Grant the motion;

(b) Deny the motion; or

(c) Suspend the commission’s decision or order pending further consideration.

(5) The commission shall grant the motion for rehearing if it determines that, in the original hearing that the commission:

(a) Incorrectly assessed the relevant evidence;

(b) Incorrectly applied the relevant law; or

(c) Otherwise failed substantially to comply with this chapter or acted in a manner which was unlawful or unreasonable.

(t) ***Delete ARCI-003-015 R. (2);***

(u) ***Amend ARCI-003-020 (1)(a) by deleting the phrase “this jurisdiction” and inserting the phrase “New Hampshire”; and***

(v) ***Amend ARCI-003-020 (3) by deleting the phrase “this jurisdiction” and inserting the phrase “New Hampshire”.***

Adopt Pari 202.06 to read as follows:

Pari 202.06 Computation of Time.

(a) Unless otherwise specified, all time periods referenced in the Commission's rules shall be calendar days.

(b) Computation of any period of time shall begin with the first day following the day on which the act that initiates such period of time occurs and include the last day of the period so computed.

(c) If the last day of the period falls on a Saturday, Sunday, or state legal holiday, then the time period shall be extended to include the first state business day following the Saturday, Sunday, or state legal holiday.

(d) When the period prescribed or allowed is less than 7 days, intermediate Saturdays, Sundays and state legal holidays shall be excluded from the computation.

Amend Pari 204.01(b)(3), effective 6-3-06 (Doc. #8648-A), to read as follows:

(3) How such action will benefit any area regulated by the commission pursuant to RSA 284:12, ***RSA 287-D:1-b***, RSA 287-E:3 and RSA 287-E:18.

Amend Pari 204.02(b)(1), effective 6-3-06 (Doc. #8648-A), to read as follows:

(1) Benefit any area regulated by the commission pursuant to RSA 284:12, ***RSA 287-D:1-b***, RSA 287-E:3 and RSA 287-E:18; and

APPENDIX

| RULE | STATUTE |
|------------------------------------|---------------------------------------|
| | |
| Pari 201.01(b) and (c) | RSA 541-A:16, I(b) and RSA 541-A:30-a |
| Pari 202.01, 202.02 and 202.06 | RSA 541-A:16, I(b)(3) |
| Pari 204.01(b)(3) and 204.02(b)(1) | RSA 541-A:16, I(d) |